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2022L010139  
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ATTORNEY CODE # 04771  
STATE OF ILLINOIS )  
 ) SS:  
COUNTY OF COOK )

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION

MARIJA VELKOVA, )  
 )  
Plaintiff, )  
 )  
v. ) NO. 2022L010139  
 )  
 )  
JOSEPH NEVERAUSKAS, THERESA )  
TRAN, CHICAGO AQUALEISURE, LLC, )  
 )  
 )  
Defendants. )

Exhibit A

COMPLAINT AT LAW

NOW COMES the Plaintiff, MARIJA VELKOVA, by her attorneys HORWITZ,  
HORWITZ AND ASSOCIATES, LTD., and complaining of the Defendants Joseph  
Neverauskas, Theresa Tran, and Chicago Aqualeisure, LLC, alleges as follows:

ALLEGATIONS COMMON TO ALL COUNTS

THE PARTIES

1. Plaintiff Marija Velkova currently resides in the County of Cook, State of Illinois.
2. Upon information and belief, Defendant Joseph Neverauskas currently resides in the County of Cook, State of Illinois.
3. Upon information and belief, Defendant Theresa Tran currently resides in the County of Cook, State of Illinois.

EXHIBIT A

4. Upon information and belief, Defendant Chicago Aqualeisure, LLC, is an Illinois limited liability company engaged in the business of renting pleasure boats and/or yachts with its principal place of business in the County of Cook, State of Illinois.

**VENUE**

5. Venue is proper under 735 ILCS 5/2-101.

**COUNT I**

**NEGLIGENCE**

**Against Defendants Joseph Neverauskas, Theresa Tran, and Chicago Aqualeisure, LLC**

1.-5. Plaintiff re-states, re-alleges, and incorporates paragraphs 1-5 contained in the Allegations Common to All Counts Section above as if fully stated herein.

6. That on or about August 13, 2022, and prior thereto, the Defendant(s) owned, possessed, operated, managed, maintained, rented, captained, and/or controlled, and/or had duty to possess, operate, manage, maintain, rent, captain, and/or control, both directly and indirectly, individually and through their agents, servants and employees, a certain 34' Four Winns 348 Vista vessel/boat known as La Aqua Vida, Hull Identification Number GFNCY003E203, in the area commonly known as the playpen in Lake Michigan located near or around approximately 800 Lake Shore Drive, in the City of Chicago, County of Cook, and State of Illinois.

7. That on or about August 13, 2022, and prior thereto, there was a firm, corporation, or entity other than Defendant(s) that owned, possessed, operated, managed, maintained, rented, captained, and/or controlled, and/or had duty to possess, operate, manage, maintain, rent, captain, and/or control, both directly and indirectly, individually and through their agents, servants and employees, a certain 34' Four Winns 348 Vista vessel/boat known as La Aqua Vida, Hull Identification Number GFNCY003E203, in the area commonly known as the

playpen in Lake Michigan located near or around approximately 800 Lake Shore Drive, in the City of Chicago, County of Cook, and State of Illinois.

8. That on or about August 13, 2022, and prior thereto, the Defendant(s) contracted with a firm, corporation, or other entity that owned, possessed, operated, managed, maintained, rented, captained, and/or controlled, and/or had duty to possess, operate, manage, maintain, rent, captain, and/or control, both directly and indirectly, individually and through their agents, servants and employees, a certain 34' Four Winns 348 Vista vessel/boat known as La Aqua Vida, Hull Identification Number GFNCY003E203, in the area commonly known as the playpen in Lake Michigan located near or around approximately 800 Lake Shore Drive, in the City of Chicago, County of Cook, and State of Illinois.

9. That at aforesaid time and place, Plaintiff Marija Velkova was on a raft attached to a 42' Sea Ray 40' Sedan Bridge vessel/boat known as Navigator, Hull Identification Number SERP5108J001, in the aforementioned area commonly known as the playpen in Lake Michigan located near or around approximately 800 Lake Shore Drive, in the City of Chicago, County of Cook and State of Illinois.

10. That the aforesaid Defendant(s) had a duty to exercise reasonable care for the safety of the Plaintiff.

11. That the aforesaid Defendant(s) were then and there guilty of one or more of the following acts and/or omissions:

- a. Failed to place or operate said vessel/boat in a safe, suitable and proper manner so as to give proper and adequate protection to the life and limb of any person or persons in the playpen, including Plaintiff;

- b. Failed to anchor said boat/vessel in a safe, suitable and proper manner, thereby creating a danger and/or hazard to any person or persons in the playpen, including Plaintiff;
- c. Failed to adequately and/or properly anchor said boat/vessel;
- d. Caused said boat's/vessel's anchor to be placed, set, and/or operated in a manner such that it was unsafe;
- e. Failed to properly and/or adequately inspect, investigate, and/or determine the position of said boat's/vessel's anchor;
- f. Failed to correct the condition of said boat's/vessel's anchor;
- g. Failed to properly and/or adequately navigate said boat/vessel;
- h. Failed to properly and/or adequately operate said boat/vessel;
- i. Failed to adequately preplan for the safe, suitable, and/or proper navigation and/or operation of the boat;
- j. Operated said boat/vessel at an unsafe speed;
- k. Operated said boat/vessel in reverse without properly and/or adequately looking to determine if there were persons, including Plaintiff, in the path behind said boat/vessel;
- l. Operated said boat/vessel in reverse without proper and/or adequate visibility;
- m. Operated said boat/vessel in reverse without proper and/or adequate lookouts;
- n. Failed to take proper and/or adequate means and/or precautions for the safety of persons in the water, including Plaintiff, under the circumstances then and there existing;
- o. Failed to warn of the aforementioned a) – n);

- p. Failed to adequately train to correct, maintain, and/or prevent the  
aforementioned a) – n);
- q. Failed to have an adequate policy, procedure, protocol, or rule to correct,  
maintain, and/or prevent the aforementioned a) – n); and/or
- r. Was otherwise careless and/or negligent.

12. That at said time and place, the aforesaid boat/vessel reversed over the raft that Plaintiff was situated on.

13. That one or more of the aforesaid acts or omissions constituting legal misconduct of the Defendant(s) was a proximate cause of said occurrence and Plaintiff(s) personal injuries as hereinafter mentioned.

14. That as a direct and proximate result of one or more of the aforesaid acts and/or omissions of the Defendant(s), Plaintiff then and there sustained severe and permanent injuries, both internally and externally, and was and will be in the future hindered and prevented in whole or in part from attending to usual duties and affairs, and has lost and in the future will lose, the value of that time, and has suffered a loss of earning capacity, as aforementioned. Further, that Plaintiff also suffered great pain and anguish both in mind and body, and will in the future continue to so suffer. Moreover, Plaintiff further expended and became liable for and will in the future expend and become liable for large sums of money for medical care and services endeavoring to become healed and cured of said injuries.

WHEREFORE, Plaintiff demands judgment against the Defendant(s) in a dollar amount to satisfy the jurisdictional limitation of this court, and in such additional amounts as the Court shall deem proper, plus the costs of this action.

*Clifford Horwitz*

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Clifford W. Horwitz

**Horwitz, Horwitz, and Associates, LTD.**

25 E. Washington, Suite 900

Chicago, IL 60602

Office: (312) 372-8822

email: [clmail@horwitzlaw.com](mailto:clmail@horwitzlaw.com)

FILED DATE: 11/14/2022 12:00 AM 2022L010139

MARIJA VELKOVA,  
  
Plaintiff,  
  
v.  
  
JOSEPH NEVERAUSKAS, THERESA TRAN,  
CHICAGO AQUALEISURE, LLC,  
  
Defendants.

NO.2022L010139

1. The undersigned, Clifford Horwitz, does hereby state under oath and under penalty of perjury:
2. My name is Clifford Horwitz.
3. I represent the Plaintiff in the above-captioned case.
4. I have conducted an investigation into this case.
5. The Plaintiff is seeking damages in excess of \$50,000.00.
6. FURTHER AFFIANT SAYETH NOT

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Clifford W. Horwitz

HORWITZ, HORWITZ AND ASSOCIATES, LTD.  
Attorneys at Law  
25 E. Washington, Suite 900  
Chicago, Illinois 60602  
(312) 372-8822, fax (312) 372-1673

ATTORNEY CODE # 04771

STATE OF ILLINOIS

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) SS:

COUNTY OF COOK

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**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

MARIJA VELKOVA,

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Plaintiff,

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v.

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JOSEPH NEVERAUSKAS, THERESA

)

TRAN, CHICAGO AQUALEISURE, LLC,

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Defendants.

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NO. 2022L010139

**JURY DEMAND**

The undersigned demands a jury trial.

*Clifford Horwitz*

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Clifford W. Horwitz

**Horwitz, Horwitz, and Associates, LTD.**

25 E. Washington, Suite 900

Chicago, IL 60602

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email: [clmail@horwitzlaw.com](mailto:clmail@horwitzlaw.com)